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8 *Attorneys for Plaintiff Bank of America, N.A.*

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 BANK OF AMERICA, N.A.,
12
13 Plaintiff,

14 vs.

15 SILVER TERRACE II LANDSCAPE
MAINTENANCE ASSOCIATION;
16 RAVENSTAR INVESTMENTS, LLC;
17 RONALD L. BRANDON; PHIL FRINK &
ASSOCIATES, INC.; GAYLE A. KERN, LTD.
18 DBA KERN & ASSOCIATES, LTD,
19 Defendants.

Case No.: 3:16-cv-00714-MMD-WGC

**JOINT STATUS REPORT PURSUANT TO
COURT'S DECEMBER 12, 2016 ORDER
[ECF NO. 71]**

20 Plaintiff Bank of America, N.A. (BANA), and Defendants Silver Terrace II Landscape
21 Maintenance Association (Silver Terrace), Ravenstar Investments, LLC and (Ravenstar), hereby file
22 this joint status report and stipulation and continue to partially stay litigation pending Ravenstar's
23 bankruptcy.

24 **I. Joint Interim Status Report**

25 **A. Time Estimated for Trial:** The parties estimate that the time required for trial
26 will be approximately three days.

27 **B. Three Alternative Available Trial Dates:** The Nevada supreme court answered
28 the certified question affirmatively on August 2, 2018, confirming that "even before the October 1,

1 2015, amendment to NRS 116.31168, the statute incorporated NRS 107.090's requirement to provide
2 foreclosure notices to all holders of subordinate interests, even when such persons or entities did not
3 request notice." SFR Invs. Pool 1, LLC, No. 72931, 2018 WL 3655608, at *5 (Nev. Aug. 2, 2018).

4 The certified question has been answered, however, in light of the ongoing Ravenstar
5 bankruptcy, the parties agree that this matter should remain stayed until the bankruptcy is complete.

6 **C. Substantive Motions:** Kern filed a Renewed Motion to Dismiss Pursuant to
7 Federal Rules of Civil procedure 12(b)(6) ("MTD") on August 10, 2017. (ECF No. 53). BANA
8 filed its response to this motion on August 24, 2017. (ECF No. 56). Kern filed its reply in support of
9 its MTD on August 31, 2017. (ECF No. 61). Silver Terrace filed a Renewed Motion to Dismiss on
10 August 9, 2017. (ECF No. 51). BANA filed its response to this motion on August 23, 2017. (ECF
11 No. 55). Silver Terrace filed a reply in support of its motion on August 30, 2017. (ECF No. 60).
12 The court entered a judgment in favor of Kern on January 1, 2018, dismissing Bank of America's
13 claims against it. (ECF No. 75). Kern, therefore, has been dismissed from the case.

14 **D. Alternative Dispute Resolution:** The parties hereby certify pursuant to LR 26-3
15 they considered the possibility of using alternative dispute-resolution processes including mediation,
16 arbitration, and if applicable, early neutral evaluation (collectively, **ADR**). The parties determined
17 ADR is not a viable option at this time.

18 **E. Alternative Forms of Case Disposition:** The parties hereby certify pursuant to
19 LR 26-3 they considered consent to trial by a magistrate judge and use of the short trial program.
20 The parties determined this is not a viable option at this time.

21 **II. Stipulation and Order to Partially Stay Litigation Pending Ravenstar Bankruptcy**

22 Record title holder Ravenstar Investments, LLC has filed a Chapter 11 bankruptcy in Case
23 No. 17-50751-btb. *See* ECF No. 62. In light of the Bankruptcy, the parties stipulate that this matter
24 should be STAYED pending relief from the automatic stay, with the exception of Kern's MTD (ECF
25 No. 53), and Silver Terrace's MTD (ECF No. 51).

26 The Kern MTD and the Silver Terrace MTD have both been fully briefed. The Court granted
27 Kern's MTD. Disposition by the Court regarding Silver Terrace is pending. Silver Terrace's MTD
28 pertains primarily to the legal issue of whether the claims against it are barred by the statute of

limitations. As such, the parties agree that the automatic stay of 11 U.S.C. Section 362(a) does not prohibit disposition of Kern and Silver Terrace's MTDs.

Respectfully submitted, this 14th day of September, 2018.

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ORDER

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

DATED: September 17, 2018